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New Delhi, the 21st December, 1962/Agrahayana 30, 1884 (Saka)

The following Acts of Parliament received the assent of the President on the 19th December, 1962, and are hereby published for general information:—

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1962

No. 64 of 1962

[19th December, 1962]

An Act further to amend the Workmen's Compensation Act, 1923.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1962. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

8 of 1923. 2. In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), in sub-section (1),— Amendment of section 2.

(i) in clause (g), for the words and figure "in Schedule I", the words and figures "in Part II of Schedule I" shall be substituted;

(ii) in clause (l), for the proviso, the following proviso shall be substituted, namely:—

"Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of

Schedule I or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent. or more;";

(iii) in sub-clause (ii) of clause (n), for the words "four hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment
of section 3.

3. In section 3 of the principal Act,—

(i) in sub-section (2), the following provisos shall be inserted at the end, namely:—

"Provided that if it is proved,—

(a) that a workman whilst in the service of one or more employers in any employment specified in Part C of Schedule III has contracted a disease specified therein as an occupational disease peculiar to that employment during a continuous period which is less than the period specified under this sub-section for that employment, and

(b) that the disease has arisen out of and in the course of the employment;

the contracting of such disease shall be deemed to be an injury by accident within the meaning of this section:

Provided further that if it is proved that a workman who having served under any employer in any employment specified in Part B of Schedule III or who having served under one or more employers in any employment specified in Part C of that Schedule, for a continuous period specified under this sub-section for that employment and he has after the cessation of such service contracted any disease specified in the said Part B or the said Part C, as the case may be, as an occupational disease peculiar to the employment and that such disease arose out of the employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section.";

(ii) for sub-section (2A), the following sub-section shall be substituted, namely:—

"(2A) If a workman employed in any employment specified in Part C of Schedule III contracts any occupational disease peculiar to that employment, the contracting whereof is deemed to be an injury by accident within the meaning of

this section, and such employment was under more than one employer, all such employers shall be liable for the payment of the compensation in such proportion as the Commissioner may, in the circumstances, deem just."

4. In section 4 of the principal Act, in sub-clause (i) of clause (c) of sub-section (1), for the word and figure "Schedule I", the words and figures "Part II of Schedule I" shall be substituted. Amendment of section 4.

5. In section 10 of the principal Act, in sub-section (1), after the first proviso, the following provisos shall be inserted, namely:— Amendment of section 10.

"Provided further that in case of partial disablement due to the contracting of any such disease and which does not force the workman to absent himself from work, the period of two years shall be counted from the day the workman gives notice of the disablement to his employer:

Provided further that if a workman who, having been employed in an employment for a continuous period, specified under sub-section (2) of section 3 in respect of that employment, ceases to be so employed and develops symptoms of an occupational disease peculiar to that employment within two years of the cessation of employment, the accident shall be deemed to have occurred on the day on which the symptoms were first detected."

6. In sub-section (2) of section 18A of the principal Act, for the words "within six months of the date on which the offence is alleged to have been committed", the words "within six months of the date on which the alleged commission of the offence came to the knowledge of the Commissioner" shall be substituted. Amendment of section 18A.

7. In the principal Act, in sections 20 and 21, the word "local", wherever it occurs, shall be omitted. Amendment of sections 20 and 21.

8. After section 35 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 36.

"36. Every rule made under this Act by the Central Government shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment Rules made by Central Government to be laid before Parliament.

shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of Schedule
I.

9. In Schedule I of the principal Act,—

(i) for the heading “LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT” the following heading shall be substituted, namely:—

“PART I

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL
DISABLEMENT”;

(ii) after serial No. 6 and the entries relating thereto, the following heading shall be inserted, namely:—

“PART II

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL
DISABLEMENT”;

(iii) serial Nos. 7 to 54 shall respectively be re-numbered as serial Nos. 1 to 48.

Amendment
of Schedule
II.

10. In Schedule II of the principal Act,—

(i) in clause (ii), after the words “with any such manufacturing process or with the article made”, the words “whether or not employment in any such work is within such premises or precincts” shall be inserted;

(ii) in clause (iii),

(a) the word “or” occurring at the end shall be omitted;

(b) the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article shall be deemed to be employed within such premises or precincts; or”;

(iii) in clause (xviii), after the word "growing", the word "cardamom" shall be inserted.

11. In Schedule III of the principal Act,—

Amendment
of Schedule
III.

(a) in Part A, after the existing entries, the following entry shall be inserted, namely:—

"Poisoning by Organic Phosphorus insecticides.	Any process involving the use or handling or exposure to the fumes, dust or vapour containing any of the organic phosphorus insecticides."
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(b) in Part B,—

(i) against the entry "Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra-ethyl" in the first column, for the words "use of lead" in the entry in the second column, the words "use of lead ore or lead" shall be substituted;

(ii) against the entry "poisoning by phosphorus or its compounds, or its sequelae" in the first column, for the entry in the second column, the following entry shall be substituted, namely:—

"Any process involving the liberation of phosphorus or use or handling of phosphorus or its preparations or compounds";

(iii) against the entry "Poisoning by benzene, or its homologues their amido and nitroderivatives or its sequelae" in the first column, for the entry in the second column, the following entry shall be substituted, namely:—

"Any process involving the manufacture, liberation, or use of benzene, benzene homologues and their amido and nitroderivatives";

(iv) against the entry "Chrome ulceration or its sequelae" in the first column, the following words shall be inserted at the end in the entry in the second column, namely:—

"or the manufacture of bichromate";

(v) against the entry "Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives" in the first column, for the word "distillation" in the entry in the second column, the word "liberation" shall be substituted;

(vi) after the existing entries, the following entry shall be inserted, namely:—

“Poisoning by manganese or a compound of manganese, or its sequela.” Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese”.

Substitution
of Schedule
IV.

12. For Schedule IV of the principal Act, the following Schedule shall be substituted, namely:—

SCHEDULE IV

[See section 4]

COMPENSATION PAYABLE IN CERTAIN CASES

Monthly wages of the workman injured		Amount of compensation for—		Half-monthly payment as compensation for temporary disablement
		Death	Permanent total disablement	
1		2	3	4
More than Rs.	But not more than Rs.	Rs.	Rs.	Rs. nP.
0	10	1,000	1,400	Half his monthly wages
10	13	1,100	1,540	Do.
13	18	1,200	1,680	6 50
18	21	1,260	1,764	7 00
21	24	1,440	2,016	8 00
24	27	1,620	2,268	8 50
27	30	1,800	2,520	9 50
30	35	2,100	2,940	9 50
35	40	2,400	3,360	10 00
40	45	2,700	3,780	13 00
45	50	3,000	4,200	13 00
50	60	3,600	5,040	18 50
60	70	4,200	5,880	18 50
70	80	4,800	6,720	20 00
80	100	6,000	8,400	26 00

Monthly wages of the workman injured	Amount of compensation for —		Half-monthly payment as compensation for temporary disablement
	Death	Permanent total disablement	
I	2	3	4
More than Rs. But not more than Rs.	Rs.	Rs.	Rs. n ^o .
100 150 . .	7,000	9,800	37 50
150 200 . .	7,000	9,800	52 50
200 300 . .	8,000	11,200	60 00
300 400 . .	9,000	12,600	75 00
400 	10,000	14,000	87 50

THE WORKING JOURNALISTS (AMENDMENT) ACT, 1962

No. 65 of 1962

[19th December, 1962]

An Act further to amend the Working Journalists (Conditions Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Working Journalists (Amendment) Act, 1962.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1955.

2. In section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act), in clause (a), for the word and figure "section 8", the word and figure "section 9" shall be substituted.

Amendment
of section 2.

3. For section 5 of the principal Act, the following sections shall be substituted, namely:—

Substitution
of new sec-
tions for
section 5.
Payment of
gratuity.

'5. (1) Where—

(a) any working journalist has been in continuous service, whether before or after the commencement of this

Act, for not less than three years in any newspaper establishment, and—

(i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or

(ii) he retires from service on reaching the age of superannuation; or

(b) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than ten years in any newspaper establishment, and he voluntarily resigns on or after the 1st day of July, 1961, from service in that newspaper establishment on any ground whatsoever other than on the ground of conscience; or

(c) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and he voluntarily resigns on or after the 1st day of July, 1961, from service in that establishment on the ground of conscience; or

(d) any working journalist dies while he is in service in any newspaper establishment,

the working journalist or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the working journalist, his family, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation or death, by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months:

14 of 1947.

Provided that in the case of a working journalist referred to in clause (b), the total amount of gratuity that shall be payable to him shall not exceed twelve and half months' average pay:

Provided further that where a working journalist is employed in any newspaper establishment wherein not more than six working journalists were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a working journalist employed in any such newspaper establishment for any period of service before

such commencement shall not be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months but shall be equivalent to—

(a) three days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service does not exceed five years;

(b) five days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds five years but does not exceed ten years; and

(c) seven days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds ten years.

Explanation.—For the purposes of this sub-section and sub-section (1) of section 17, "family" means—

(i) in the case of a male working journalist, his widow, children, whether married or unmarried, and his dependent parents and the widow and children of his deceased son:

Provided that a widow shall not be deemed to be a member of the family of the working journalist if at the time of his death she was not legally entitled to be maintained by him;

(ii) in the case of a female working journalist, her husband, children, whether married or unmarried, and the dependent parents of the working journalist or of her husband, and the widow and children of her deceased son:

Provided that if the working journalist has expressed her desire to exclude her husband from the family, the husband and his dependent parents shall not be deemed to be a part of the working journalist's family,

and in either of the above two cases, if the child of a working journalist or of a deceased son of a working journalist has been adopted by another person and if under the personal law of the adopter, adoption is legally recognised, such a child shall not be considered as a member of the family of the working journalist.

(2) Any dispute whether a working journalist has voluntarily resigned from service in any newspaper establishment on the ground of conscience shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947 or any corresponding law relating to investigation and settlement of industrial disputes in force in any State.

(3) Where a nominee is a minor and the gratuity under sub-section (1) has become payable during his minority, it shall be paid to a person appointed under sub-section (3) of section 5A:

Provided that where there is no such person, payment shall be made to any guardian of the property of the minor appointed by a competent court or where no such guardian has been appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor:

Provided further that where the gratuity is payable to two or more nominees, and either or any of them dies, the gratuity shall be paid to the surviving nominee or nominees.

Nomination
by working
journalist.

5A. (1) Notwithstanding anything contained in any law for the time being in force, or in any disposition, testamentary or otherwise in respect of any gratuity payable to a working journalist, where a nomination made in the prescribed manner purports to confer on any person the right to receive payment of the gratuity for the time being due to the working journalist, the nominee shall, on the death of the working journalist, become entitled to the gratuity and to be paid the sum due in respect thereof to the exclusion of all other persons, unless the nomination is varied or cancelled in the prescribed manner.

(2) Any nomination referred to in sub-section (1) shall become void if the nominee predeceases, or where there are two or more nominees, all the nominees predecease, the working journalist making the nomination.

(3) Where the nominee is a minor, it shall be lawful for the working journalist making the nomination to appoint any person in the prescribed manner to receive the gratuity in the event of his death during the minority of the nominee.

Substitution
of new sec-
tions for sec-
tions 8, 9,
10, 11, 12
and 13.
Fixation or
revision of
rates of
wages.

4. For sections 8, 9, 10, 11, 12 and 13 of the principal Act, the following sections shall be substituted, namely:—

"8. (1) The Central Government may, in the manner herein-after provided,—

(a) fix rates of wages in respect of working journalists;

(b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section or specified in the order made under section 6 of the Working Journalists (Fixation of Rates of Wages) Act, 1958.

(2) The rates of wages may be fixed or revised by the Central Government in respect of working journalists for time work and for piece work.

(9) For the purpose of fixing or revising rates of wages in respect of working journalists under this Act, the Central Government shall, as and when necessary, constitute a Wage Board which shall consist of—

Procedure
for fixing and
revising rates
of wages

(a) two persons representing employers in relation to newspaper establishments;

(b) two persons representing working journalists;

(c) three independent persons, one of whom shall be a person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman thereof.

10. (1) The Board shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the fixation or revision of rates of wages of working journalists to make such representations as they may think fit as respects the rates of wages which may be fixed or revised under this Act in respect of working journalists.

Recommendation by Board.

(2) Every such representation shall be in writing and shall be made within such period as the Board may specify in the notice and shall state the rates of wages which, in the opinion of the person making the representation, would be reasonable, having regard to the capacity of the employer to pay the same or to any other circumstance, whichever may seem relevant to the person making the representation in relation to his representation.

(3) The Board shall take into account the representations aforesaid, if any, and after examining the materials placed before it make such recommendations as it thinks fit to the Central Government for the fixation or revision of rates of wages in respect of working journalists; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect.

(4) In making any recommendations to the Central Government, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employment, the circumstances relating to the newspaper industry in different regions of the country and to any other circumstances which to the Board may seem relevant.

Powers and
procedure of
the Board.

11. (1) Subject to the provisions contained in sub-section (2), the Board may exercise all or any of the powers which an Industrial Tribunal constituted under the Industrial Disputes Act, 1947, exercises for the adjudication of an industrial dispute referred to it and shall, subject to the provisions contained in this Act, and the rules, if any, made thereunder, have power to regulate its own procedure.

14 of 1947.

(2) Any representations made to the Board and any documents furnished to it by way of evidence shall be open to inspection on payment of such fee as may be prescribed, by any person interested in the matter.

(3) If, for any reason, a vacancy occurs in the office of Chairman or any other member of the Board, the Central Government shall fill the vacancy by appointing another person thereto in accordance with the provisions of section 9 and any proceeding may be continued before the Board so reconstituted from the stage at which the vacancy occurred.

Powers of
Central Government to
enforce recommendations of the
Wage Board.

12. (1) As soon as may be, after the receipt of the recommendations of the Board, the Central Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,—

(a) make such modifications in the recommendations, not being modifications of the nature referred to in sub-section (1), as it thinks fit:

Provided that before making any such modifications, the Central Government shall cause notice to be given to all persons likely to be affected thereby in such manner as may be prescribed, and shall take into account any representations which they may make in this behalf in writing; or

(b) refer the recommendations or any part thereof to the Board, in which case, the Central Government shall consider its further recommendations and make an order either in terms of the recommendations or with such modifications of the nature referred to in sub-section (1) as it thinks fit.

(3) Every order made by the Central Government under this section shall be published in the Official Gazette together

with the recommendations of the Board relating to the order and the order shall come into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

13. On the coming into operation of an order of the Central Government under section 12, every working journalist shall be entitled to be paid by his employer wages at the rate which shall in no case be less than the rate of wages specified in the order.

Working journalists entitled to wages at rates not less than those specified in the order.

13A. (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

Power of Government to fix interim rates of wages.

(2) Any interim rates of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rates of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the order of the Central Government under section 12 comes into operation."

5. For section 17 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 17.

"17. (1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the amount due to him, and if the State Government, or such authority, as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

Recovery of money due from an employer.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under

the Industrial Disputes Act, 1947 or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.

14 of 1947.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

Maintenance
of registers,
records, and
muster-rolls.

17A. Every employer in relation to a newspaper establishment shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

Inspectors.

17B. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

(2) Any Inspector appointed under sub-section (1) may for the purpose of ascertaining whether any of the provisions of this Act or of the Working Journalists (Fixation of Rates of Wages) Act, 1958 have been complied with in respect of a newspaper establishment—

29 of 1958

(a) require an employer to furnish such information as he may consider necessary;

(b) at any reasonable time enter any newspaper establishment or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the establishment;

(c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the newspaper establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be or to have been an employee in the establishment;

(d) make copies of or take extracts from any book, register or other documents maintained in relation to the newspaper establishment;

(e) exercise such other powers as may be prescribed.

45 of 1860.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(4) Any person required to produce any document or thing or to give information by an Inspector under sub-section (2) shall be legally bound to do so."

6. In section 18 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

Amendment
of section
18.

'(1) If any employer contravenes any of the provisions of this Act or any rule or order made thereunder, he shall be punishable with fine which may extend to two hundred rupees.

(1A) Whoever, having been convicted of any offence under this Act, is again convicted of an offence involving the contravention of the same provision, shall be punishable with fine which may extend to five hundred rupees.

(1B) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(1C) Notwithstanding anything contained in sub-section (1B), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall

also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(1D) For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

Amendment of section 19. 7. In section 19 of the principal Act, after the words “member of the Board”, the words “or an Inspector appointed under this Act” shall be inserted.

Insertion of new sections 19A and 19B. 8. After section 19 of the principal Act, the following sections shall be inserted, namely:—

Defects in appointments not to invalidate acts.

“19A. No act or proceeding of the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

Saving.

19B. Nothing in this Act or the Working Journalists (Fixation of Rates of Wages) Act, 1958 shall apply to any working journalist who is an employee of the Government to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the Central Government in the Official Gazette, apply.”

29 of 1958.

Amendment of section 20. 9. In section 20 of the principal Act,—

(i) in sub-section (2), for clauses (d), (e) and (f), the following clauses shall be substituted, namely:—

“(d) the procedure to be followed by the Board in the discharge of its functions under this Act;

(e) the form of nominations, and the manner in which nominations may be made;

(f) the manner in which any person may be appointed for the purposes of sub-section (3) of section 5A;

(g) the variation or cancellation of nominations;

(h) the manner of giving notice under clause (a) of sub-section (2) of section 12;

(i) the registers, records and muster-rolls to be prepared and maintained by newspaper establishments, the forms in which they should be prepared and maintained and the particulars to be entered therein;

(j) the powers that may be exercised by an Inspector;

(k) any other matter which has to be, or may be, prescribed.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

10. The Working Journalists (Fixation of Rates of Wages) Act, 1958 shall be amended in the manner hereinafter specified, namely:— **Amendment of Act 29 of 1958.**

(a) section 8 shall be omitted;

(b) in section 9—

(i) in sub-section (1), for the words “the working journalist may”, the words “the working journalist himself, or any other person authorised by him in writing in this behalf or in the case of the death of the working journalist, any member of his family may” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any question arises as to the amount due under this Act to a working journalist from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.”;

14 of 1947.

(c) after section 12, the following section shall be inserted, namely:—

‘12A. (1) Any employer who contravenes the provisions of section 7 shall be punishable with fine which may extend to two hundred rupees.

Penalty.

(2) Whoever, having been convicted of any offence under sub-section (1), is again convicted of an offence under that sub-section, shall be punishable with fine which may extend to five hundred rupees.

(3) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(4) Notwithstanding anything contained in sub-section (3), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable, to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(5) For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm'.

R. C. S. SARKAR,
Secy. to the Govt. of India.

